

REMARKS

This Amendment is filed in response to the Office Action dated December 24, 2008. All objections and rejections are respectfully traversed.

Claims 49-94 are in the case.

Claims 1-48 have been cancelled without prejudice.

Claims 49-94 have been added to better claim the invention.

Request for Follow-Up Examiner Interview

The Applicant respectfully thanks the Examiner for the previous telephone interview held on April 2, 2009, and requests a follow-up telephonic interview in response to the new claims and discussion herein. The Applicant's undersigned attorney may be reached at 617-951-2500.

Claim Rejections

At paragraph 2 of the Office Action, claims 15, 17, 19-20, 24-26, 32-33, 35-38, 40, 42-43, and 45-46 were rejected under 35 U.S.C. §102(b) as being anticipated by Gadgil et al., U.S. Patent No. 6,419,821 (hereinafter "Gadgil") – as evidenced by Gadgil et al., U.S. Patent No. 5,780,860 (hereinafter "Gadgil '860").

At paragraph 4 of the Office Action, claims 1-2, 4, 8-11, 15-17, 19-20, 24-26, 32-33, 35-40, 42-48 were rejected under 35 U.S.C. §103(a) as being unpatentable over Iana et al., U.S. Patent No. 5,167,819 (hereinafter "Iana") in view of Gadgil (and Gadgil '860) and Sauska et al., U.S. Patent No. 5,230,792 (hereinafter "Sauska").

Also, at paragraphs 5-8 of the Office Action, various dependent claims were rejected under 35 U.S.C. §103(a) as being unpatentable over various cited references.

In addition, at paragraph 9 of the Office Action, the rejections of the claims in the Final Office Action of August 11, 2008 were incorporated by reference by the Examiner, including rejections of all independent claims under 35 U.S.C. §103 over various combinations of Carmignani et al. (U.S. Patent No. 6,524,447), Forsberg et al. (U.S. Patent No. 6,182,453), Engelhard et al. (U.S. Patent No. 6,461,520), German Reference DE 4228860, Iana, and Morrow et al. (U.S. Patent No. 6,712,414).

Claims 1-48 have been cancelled without prejudice. However, new claims 49 *et seq.* are directed to similar subject matter, and as such, Applicant addresses the cited art generally with respect to the newly added claims.

In particular, Applicant's claimed invention, represented in part by independent claim 49, comprises (emphasis added):

49. A portable hydrating fluid purification module, comprising:

an ingress configured to receive hydrating fluid from a fluid source;

an egress configured to direct hydrating fluid directly to a mouthpiece;

a flow path from the ingress to the egress defined by a flow path wall, the flow path arranged to allow the hydrating fluid to flow at a drinkable rate;

one or more solid state ultraviolet (UV) devices to provide UV radiation in a germicidal range, ***the UV devices embedded within the flow path wall and arranged with the flow path such that hydrating fluid that flows past the UV devices at the drinkable rate is purified by the UV radiation;***

means for turning on the UV devices in response to detecting hydrating fluid flow from the fluid source to the mouthpiece; and

means for turning off the UV devices in response to detecting that the hydrating fluid is no longer flowing from the fluid source to the mouthpiece.

As discussed during the telephone interview with the Examiner on April 2, 2009, the UV devices utilized to purify the flowing hydrating fluid are embedded within one or more of the flow path walls of the claimed system. Based on the Examiner's suggested claim amendments, new claims have been drafted to more clearly describe the novel structure of Applicant's system. In particular, the new claims have been drafted to include the embedded arrangement of the UV devices, that is, an arrangement in which the UV devices are completely or partially contained within the structure of the flow path wall (or if any channels are formed within the flow path, then within a wall of each of the channels).

Applicant submits that none of the cited references teach or suggest embedding solid state UV devices into a flow path wall. In particular, none of the cited references teach or suggest arranging the embedded UV devices and flow path in a manner that does not impede fluid flow, such that hydrating fluid is purified by the UV radiation as the fluid flows past the UV devices at a drinkable rate.

Specifically, these claimed novel features are not disclosed by any of the cited references that discuss use of UV radiation. For example, Gadgil teaches slowing fluid flow to a drip past a UV lamp, and/or containing the fluid in a cup for extended exposure time (e.g., 15-180 seconds) (*see* Gadgil, Col. 7, lines 21-22: "dripping," and lines 41-52: "drips" and "residence time," and Col. 8, line 23: "percolation"). Similarly, Engelhard teaches containing the fluid in a treatment unit for up to three minutes prior to turning off the UV lamp for extended exposure (*see* Engelhard, Col. 8, lines 31-54). Regardless, neither Gadgil nor Engelhard show solid state UV devices embedded within a flow path wall.

Applicant respectfully urges, therefore, that the cited references do not anticipate the claimed invention under 35 U.S.C. § 102, and do not render the claimed invention ob-

vious under 35 U.S.C. §103 (either taken singly or in any combination) because of the absence from each of the cited references of Applicant's claimed novel ***solid state UV devices embedded within the flow path wall and arranged with the flow path such that hydrating fluid that flows past the UV devices at the drinkable rate is purified by the UV radiation.***

All independent claims are believed to be in condition for allowance.

All dependent claims are believed to be dependent from allowable independent claims, and therefore in condition for allowance.

Favorable action is respectfully solicited.

Again, Applicant respectfully requests a follow-up telephone interview with the Examiner after the Examiner has had a chance to review the newly added claims and the discussion above, but before the issuance of a next Office Action.

Please charge any fee occasioned by this paper to our Deposit Account No. 03-1237.

Respectfully submitted,

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